

# *Documents on Diplomacy: The Source*

## *Treaty of Peace and Amity Signed at Algiers* *September 5, 1795*

### ARTICLE 1<sup>ST</sup>

From the date of the Present Treaty there shall subsist a firm and Sincere Peace and Amity between the President and Citizens of the United States of North America and Hassan Bashaw ,Dey of Algiers his Divan, and Subjects the Vessels and Subjects of both Nations reciprocally treating each other with Civility Honor and Respect

### ARTICLE YE 2<sup>ND</sup>

All Vessels belonging to the Citizens of the United States of North America Shall be permitted to enter the Different ports of the Regency to trade with our Subjects or any other Persons residing within our Jurisdiction on paying the usual duties at our Custom-House that is paid by all nations at Peace with this Regency observing that all Goods disembarked and not Sold here shall be permitted to be re-embarked without paying any duty whatever either for disembarking or embarking all naval & Military Stores Such as Gun-Powder Lead Iron Plank Sulphur Timber for building far pitch Rosin Turpentine and any other Goods denominated Naval and Military Stores Shall be permitted to be Sold in this Regency without paying any duties whatever at the Custom House of this Regency.

### ARTICLE 3<sup>RD</sup>

The Vessels of both Nations shall pass each other without any impediment or Molestation and all Goods monies or Passengers of whatsoever Nation that may be on board of the Vessels belonging to either Party Shall be considered as inviolable and shall be allowed to pass unmolested.

### ARTICLE 4<sup>TH</sup>

All Ships of War belonging to this regency on meeting with Merchant Vessels belonging to Citizens of the United States shall be allowed to Visit them with two persons only beside the rowers these two only permitted to go on board said vessel without obtaining express leave from the commander of said Vessel who shall compare the Pass-port and immediately permit said Vessel to proceed on her Voyage unmolested All Ships of War belonging to the United States of North America on meeting with an Algerine Cruiser and Shall have seen her pass port and Certificate from the Consul of the United States of North America resident in this Regency shall be permitted to proceed on her cruise unmolested no Passport to be Issued to any Ships but such as are Absolutely the Property of Citizens of the United States and Eighteen Months Shall be the term allowed for furnishing the Ships of the United States with Passports.

### ARTICLE 5<sup>TH</sup>

No Commander of any Cruiser belonging to this Regency shall be allowed to take any person of whatever Nation or denomination out of any Vessel belonging to the United States of North America in order to Examine them or under presence of making them confess any thing desired neither shall they inflict any corporal punishment or any way else molest them.

### ARTICLE 6<sup>TH</sup>

If any Vessel belonging to the United States of North America shall be Stranded on the Coast of this Regency they shall receive every possible Assistance from the Subjects of this Regency all goods saved from the wreck shall be Permitted to be Re-embarked on board of any other Vessel without Paying any Duties at the Custom House.

### ARTICLE 7<sup>TH</sup>

The Algerines are not on any presence whatever to give or Sell any Vessel of War to any Nation at War with the United States of North America or any Vessel capable of cruising to the detriment of the Commerce of the United States.

### ARTICLE YE 8<sup>TH</sup>

Any Citizen of the United States of North America having bought any Prize condemned by the Algerines shall not be again captured by the Cruisers of the Regency then at Sea although they have not a Pass-Port a Certificate from the Consul resident being deemed Sufficient until such time they can procure such Pass-Port.

### ARTICLE YE 9<sup>TH</sup>

If any of the Barbary States at War with the United States of North America shall capture any American Vessel & bring her into any of the Ports of this Regency they shall not be Permitted to sell her but Shall depart the Port on Procuring the Requisite Supplies of Provision.

### ARTICLE YE 10<sup>TH</sup>

Any Vessel belonging to the United States of North America, when at War with any other Nation shall be permitted to send their Prizes into the Ports of the Regency have leave to Dispose of them with out Paying any duties on Sale thereof All Vessels wanting Provisions or refreshments Shall be permitted to buy them at Market Price.

#### ARTICLE YE 11<sup>TH</sup>

All Ships of War belonging to the United States of North America on Anchoring in the Ports of ye Regency shall receive the Usual presents of Provisions & Refreshments Gratis should any of the Slaves of this Regency make their Escape on board said Vessels they shall be immediately returned no excuse shall be made that they have hid themselves amongst the People and cannot be found or any other Equivocation.

#### ARTICLE YE 12<sup>TH</sup>

No Citizen of ye United States of North America shall be Obligated to Redeem any Slave against his Will even Should he be his Brother neither shall the owner of A Slave be forced to Sell him against his Will but All Such agreements must be made by Consent of Parties. Should Any American Citizen be taken on board an Enemy-Ship by the Cruisers of this Regency having a Regular pass-port Specifying they are Citizens of the United States they shall be immediately Set at Liberty. On the Contrary they having no Passport they and their Property shall be considered lawful Prize as this Regency Know their friends by their Passports.

#### ARTICLE YE 13<sup>TH</sup>

Should any of the Citizens of the United States of North America Die within the Limits of this Regency the Dey & his Subjects shall not Interfere with the Property of the Deceased but it Shall be under the immediate Direction of the Consul unless otherwise disposed of by will Should their be no Consul, the Effects Shall be deposited in the hands of Some Person worthy of trust until the Party Shall Appear who has a Right to demand them, when they Shall Render an Account of the Property neither Shall the Dey or Divan Give hindrance in the Execution of any Will that may Appear.

#### ARTICLE 14<sup>TH</sup>

No Citizen of the United States of North America Shall be obliged to purchase any Goods against his will but on the contrary shall be allowed to purchase whatever it Pleaseth him. The Consul of the United States of North America or any other Citizen shall not be answerable for debts contracted by any one of their own Nation unless previously they have Given a written Obligation so to do. Should the Dey want to freight any American Vessel that may be in the Regency or Turkey said Vessel not being engaged, in consequence of the friendship subsisting between the two Nations he expects to have the preference given him on his paying the Same freight offered by any other Nation.

#### ARTICLE YE 15<sup>TH</sup>

Any disputes or Suits at Law that may take Place between the Subjects of the Regency and the Citizens of the United States of North America Shall be decided by the Dey in person and no other, any disputes that may arise between the Citizens of the United States, Shall be decided by the Consul as they are in Such Cases not Subject to the Laws of this Regency.

#### ARTICLE YE 16<sup>TH</sup>

Should any Citizen of the United States of North America Kill, wound or Strike a Subject of this Regency he Shall be punished in the Same manner as a Turk and not with more Severity should any Citizen of the United States of North America in the above predicament escape Prison the Consul Shall not become answerable for him.

#### ARTICLE YE 17<sup>TH</sup>

The Consul of the United States of North America Shall have every personal Security given him and his household he Shall have Liberty to Exercise his Religion in his own House all Slaves of the Same Religion shall not be impeded in going to Said Consul's House at hours of Prayer the Consul shall have liberty & Personal Security given him to Travel where ever he pleases within the Regency. He Shall have free licence to go on board any Vessel Lying in our Roads when ever he Shall think fit. The Consul Shall have leave to Appoint his own Dragoman & Broker.

#### ARTICLE YE 18<sup>TH</sup>

Should a War break out between the two Nations the Consul of the United States of North America and all Citizens of Said States Shall have leave to Embark themselves and property unmolested on board of what Vessel or Vessels they Shall think Proper.

#### ARTICLE YE 19<sup>TH</sup>

Should the Cruisers of Algiers capture any Vessel having Citizens of the United States of North America on board they having papers to Prove they are Really so they and their property Shall be immediately discharged and Should the Vessels of the United States capture any Vessels of Nations at War with them having Subjects of this Regency on board they shall be treated in like Manner.

#### ARTICLE YE 20<sup>TH</sup>

On a Vessel of War belonging to the United States of North America Anchoring in our Ports the Consul is to inform the Dey of her arrival and She shall be Saluted with twenty one Guns which she is to return in the Same Quantity or Number and the Dey will Send fresh Provisions on board as is Customary, Gratis.

**ARTICLE YE 21<sup>ST</sup>**

The Consul of ye United States of North America shall not be required to Pay duty for any thing he brings from a foreign Country for the Use of his House & family.

**ARTICLE YE 22<sup>ND</sup>**

Should any disturbance take place between the Citizens of ye United States & the Subjects of this Regency or break any Article of this Treaty War shall not be Declared immediately but every thing shall be Searched into regularly. The Party Injured shall be made Reparation.

On the 21st of ye Luna of Safer 1210 corresponding with the 5th September 1795 Joseph Donaldson Jr. on the Part of the United States of North America agreed with Hassan Bashaw, Dey of Algiers, to keep the Articles Contained in this Treaty Sacred and inviolable which we the Dey & Divan Promise to Observe on Consideration of the United States Paying annually the Value of twelve thousand Algerine Sequins [\$21,600] in Maritime Stores Should the United States forward a Larger Quantity the Over-Plus Shall be Paid for in Money by the Dey & Regency any Vessel that may be Captured from the Date of this Treaty of Peace & Amity shall immediately be delivered up on her Arrival in Algiers.

Signed

**VIZIR HASSAN BASHAW  
JOSEPH DONALDSON JR.**

To all to whom these Presents shall come or be made known.

Whereas the Underwritten David Humphreys hath been duly appointed Commissioner Plenipotentiary, by Letters Patent under the Signature of the President and Seal of the United States of America, dated the 30<sup>th</sup> of March 1795, for negotiating & concluding a Treaty of Peace with the Dey and Governors of Algiers;

Whereas by Instructions given to him on the part of the Executive, dated the 28<sup>th</sup> of March & 4<sup>th</sup> of April 1795, he hath been farther authorized to employ Joseph Donaldson Junior on an Agency in the said business; whereas by a Writing under his hand and seal, dated the 21<sup>st</sup> of May 1795, he did constitute & appoint Joseph Donaldson Junior Agent in the business aforesaid; and the said Joseph Donaldson Junior did, on the 5<sup>th</sup> of September 1795, agree with Hassan Bashaw Dey of Algiers, to keep the Articles of the preceding Treaty sacred and inviolable.

Now Know ye, that I David Humphreys, Commissioner Plenipotentiary aforesaid, do approve & conclude the said Treaty, and every article and clause therein contained, reserving the same nevertheless for the final Ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my hand and seal, at the City of Lisbon this 28<sup>th</sup> of November 1795.

**DAVID HUMPHREYS**

*Source*

*Treaties and Other International Acts of the United States of America, Volume 2*, Edited by Hunter Miller; Documents 1-40, 1776-1818. Washington, DC : Government Printing Office, 1931.

*The Avalon Project: Documents in Law, History, and Diplomacy*, Yale Law School, Lillian-Goldman Law Library

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